HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 581 OF 2006

PETITIONERS	1.	M.S.K. Naidu, aged about 50 yrs. S/o. Late M.R. Naidu Occupation – Member of Priyadarshini House Construction Committee Kurud- Bhilai – Durg, C/o. G. Mani R/o Plot no. 7 Bhilai Tahsil & District Durg (M.P.) Now (C.G.)
	2.	G. Mani, S/o Gopal, aged about 50 years Occupation – Service in BSP R/o Priyadarshini House Construction Committee Kurud Plot no. 7 Bhilai Tahsil & District Durg (M.P.) now (C.G.)
	Versus	
RESPONDENT		President Priyadarshini House Construction Co-operative Committee Ltd. Kurud-Bhilai, District Durg

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Present : Shri Sudhir Verma, learned counsel for the petitioners.

(ORAL ORDER)
(Passed on 3rd February, 2006)

The first petitioner who is a member of respondent Priyadarshini House Construction Co-operative Committee Ltd., Kurud-Bhilai, Distt. Durg, in the month of June 1987, borrowed a sum of Rs. 60,000/- from the respondent-society for construction of a house. He committed default in repayment of the loan as per the schedule. Hence, the Regional Officer of the respondent-society as per Annexure P/8 notice dated 29.07.2003 has called upon the petitioner to pay a total sum of Rs. 3,68,044/- towards principal amount and accrued interest till the

date of notice. Being aggrieved by the above notice, this writ petition is filed.

(2) The only contention urged before me while assailing the impugned notice by learned counsel for the petitioner is that the respondent-society under no circumstance claim more than the double of the amount advanced by it as loan to the petitioner. In other words, according to the learned counsel for the petitioner, irrespective of interest accrued on the principal amount all these years, respondent-society is entitled to claim and recover a sum of Rs.1,20,000/- only being the double of the principal amount originally advanced to the petitioner as loan. In support of this submission, the learned counsel was not in a position to place any authority or statute or bylaws of respondent-society except the judgment of the Supreme Court in the case of Mhadagonda **Ramgonda Patil and others Vs. Shripal Balwant Rainade and others**[1]. If I may say so, learned counsel without any semblance of relevancy and out of contest has cited the above judgment of the Apex Court. There is no need for me to refer to that judgment at all. The above judgment of the Apex Court has no bearing on the decision-making in this case. Be that as it may, it cannot be said that irrespective of the defaults committed and the length of default period, the lender of money is entitled to recover only double of the amount of the loan advanced. Such a hypothesis does not stand to any reason or rhyme and bereft of rationality. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

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*1. AIR 1988 S.C. -1200